

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIAN PETTY

v.

METROPOLITAN GOVERNMENT OF
NASHVILLE-DAVIDSON

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No. 3:05-0680
JUDGE CAMPBELL

ORDER

Pending before the Court are Defendant's Motion For Partial Summary Judgment (Docket No. 111), and Plaintiff's Motion for Summary Judgment (Docket No. 114). The Court held a hearing on the Motions on February 25, 2010. For the reasons stated on the record at the hearing, as supplemented in the accompanying Memorandum, the Defendant's Motion For Partial Summary Judgment is GRANTED in part, and DENIED in part, and the Plaintiff's Motion For Summary Judgment is GRANTED in part, and DENIED in part.

As directed by the Sixth Circuit, the Court enters summary judgment in favor of the Plaintiff on the reemployment claims, and the Defendant is directed to reinstate the Plaintiff to the position he held prior to his absence for military service: patrol sergeant. Defendant is also directed to convey truthful and complete information to the Peace Officer Standards and Training Commission ("POST Commission") regarding Plaintiff's reemployment status. As resolution of the discrimination claim relating to off-duty work involves genuine issues of material fact, summary judgment is denied, and that claim and any damage issues remain for trial. At trial, the Court will also determine the appropriate amount of damages on Plaintiff's reemployment claims, as well as Plaintiff's claim for liquidated damages. Plaintiff concedes that his claim based on 42 U.S.C. § 1983 has been dismissed. Plaintiff's retaliation and

discrimination claims based on his termination are dismissed as moot in light of his reinstatement.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Todd Campbell". The signature is written in a cursive style with a horizontal line underneath the name.

TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE